

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA  
RENO, NEVADA

ALAN STANTON CORPORATION, ) 2:10-CV-147-ECR-PAL  
a Nevada Domestic Corporation )  
d/b/a/ AMERICAN GENERAL ENGINERY, ) MINUTES OF THE COURT  
)  
) DATE: May 11, 2010  
Plaintiff, )  
)  
vs. )  
)  
CITY OF NORTH LAS VEGAS HOUSING )  
AUTHORITY, )  
)  
Defendant. )  
\_\_\_\_\_ )

PRESENT: \_\_\_\_\_ EDWARD C. REED, JR. \_\_\_\_\_ U. S. DISTRICT JUDGE

Deputy Clerk: \_\_\_\_\_ COLLEEN LARSEN \_\_\_\_\_ Reporter: \_\_\_\_\_ NONE APPEARING

Counsel for Plaintiff(s) \_\_\_\_\_ NONE APPEARING

Counsel for Defendant(s) \_\_\_\_\_ NONE APPEARING

MINUTE ORDER IN CHAMBERS

In this Minute Order, we will address the pending motion for preliminary injunction (#17), and clarify the purpose of the hearing set in this case for June 9, 2010, at 9:00 a.m.

On March 25, 2010, the Court approved (#15) the stipulation of the parties (#14) to set a briefing schedule regarding the merits of this case, so as to provide an expeditious resolution of the present dispute. Pursuant to the briefing schedule, an opening brief (#18) by the United States, an answering brief by Plaintiff (#21), reply briefs (## 22, 23) by Defendant and the United States, respectively, have been filed. The stipulation of the parties, approved by the Court, also contemplated a sur-reply by Plaintiff to be filed by May 10, 2010; no such document, however, has been filed.

On April 8, 2010, Defendant filed a document entitled "Motion for a Preliminary Injunction Order the Return of Federal Funds to City of North Las Vegas Housing Authority's Public Housing Bank Account" (#17). Despite its title, this is, apparently, the opening brief by Defendant contemplated

by the stipulated briefing schedule, and we shall treat it as such. Insofar as it is intended by Defendants to be considered as a motion, rather than an opening brief, the motion (#17) will be denied as inconsistent with the briefing schedule ordered by the Court pursuant to the stipulation of the parties.

The June 9, 2010, hearing will be, in essence, a stipulated bench trial on the merits of the dispute. We will consider all of the evidence in the record submitted pursuant to the stipulated briefing schedule, as well as any additional evidence the parties may wish to present at the hearing. All such evidence will be considered and deemed admitted, absent an objection by the parties. Objections to evidence submitted with the parties' briefs, if any, shall be filed no later than fourteen (14) days from the date of entry of this Minute Order.

We previously ordered that each side will not be allowed more than one hour for presentation of evidence and argument at the hearing on June 9, 2010. After further consideration, it appears appropriate to extend this limit, so that each side will be allowed not to exceed two (2) hours for presentation of evidence and argument.

**IT IS, THEREFORE, HEREBY ORDERED** that Defendant's motion for preliminary injunction (#17) is **DENIED**. The arguments made in the motion and evidence submitted in support of it will, however, be treated as Defendant's opening brief, filed according to the stipulated briefing schedule.

**IT IS FURTHER ORDERED** that any objections to evidence submitted as part of the stipulated briefing schedule or otherwise already in the record shall be filed no later than fourteen (14) days from the date of entry of the present Minute Order.

LANCE S. WILSON, CLERK

By                     /s/                      
Deputy Clerk